

# **Exhibit 1**

**In The Matter Of:**

*In re PARMALAT SECURITIES LITIGATION v.*

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**STEFANIA CHIARUTTINI**

*October 12, 2006*

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**CONFIDENTIAL**

**LEGALINK MANHATTAN**

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**CHIARUTTINI, STEFANIA - Vol. 2**



1 STEFANIA CHIARUTTINI - CONFIDENTIAL

18:09:06 2 Okay.

18:09:12 3 Q. Are you doing work for  
18:09:13 4 anyone other than Drs. Greco and Bondi  
18:09:17 5 in connection with Parmalat?

18:09:27 6 A. No, absolutely not.

18:09:59 7 MR. CALAMARI: Do you need a  
18:10:00 8 break to get your questions ready?

18:10:03 9 MR. HOROWITZ: Actually when  
18:10:04 10 I break I'm going to want to break for  
18:10:06 11 the evening. I just want to see if  
18:10:07 12 there are any other areas I want to go  
18:10:09 13 into before I break for the evening.  
18:10:11 14 And I had a question and I lost it,  
18:10:13 15 which suggests it's getting too late in  
18:10:15 16 the day. I lost it in my head.

18:10:19 17 Q. Have you seen the protective  
18:10:27 18 order governing confidentiality of  
18:10:29 19 documents produced in the United States  
18:10:33 20 cases?

18:10:48 21 A. Yes, I saw a copy of it.

18:10:51 22 Q. And did you sign a copy of  
18:10:52 23 it?

18:10:55 24 A. No.

18:10:58 25 Q. Did you agree to abide by

1 STEFANIA CHIARUTTINI - CONFIDENTIAL

18:11:00 2 its terms?

18:11:16 3 A. I -- what do you mean by  
18:11:19 4 abide? I don't understand the  
18:11:21 5 question.

18:11:21 6 Q. Have you agreed to be bound  
18:11:24 7 by the protective order?

18:11:35 8 A. I did not sign it,  
18:11:37 9 therefore, I don't think so.

18:11:51 10 Q. You have a firm, correct, a  
18:11:56 11 company?

18:12:02 12 A. It's a professional office.  
18:12:06 13 In Italy it's different.

18:12:09 14 Q. How many people work for  
18:12:10 15 you?

18:12:21 16 A. Do you mean employees or do  
18:12:23 17 you mean the total number of associates  
18:12:26 18 of partners and employees?

18:12:30 19 Q. That helps. How many people  
18:12:33 20 work in the office in any capacity,  
18:12:35 21 first of all?

18:12:47 22 A. To tell you the truth I  
18:12:48 23 never counted it. I think we are about  
18:12:51 24 15, more or less. Between those who  
18:12:56 25 come and who go, those who are on

# **Exhibit 2**

**In The Matter Of:**

*In re PARMALAT SECURITIES LITIGATION v.*

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**OLIVER GALEA**

*March 3, 2007*

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**GALEA, OLIVER - Vol. 2**

1 CONFIDENTIAL - OLIVER GALEA - VOLUME II

2 M O R N I N G S E S S I O N

09:01:33 3 9:11 a.m.

09:01:33 4 EXAMINATION BY MR. DELL:

09:11:16 5 Q. Good morning, Mr. Galea.

09:11:17 6 My name is Michael Dell, I represent

09:11:21 7 Deloitte Touche Tohmatsu, and I have

09:11:23 8 some questions for you.

09:11:29 9 A. Good morning.

09:11:30 10 Q. Sir, have you been retained

09:11:31 11 as a consultant or an expert witness by

09:11:34 12 any parties to the multi district

09:11:36 13 litigation in the United States?

09:11:37 14 A. No.

09:11:59 15 Q. And, sir, have you seen the

09:12:01 16 protective order governing

09:12:03 17 confidentiality of documents that has

09:12:05 18 been entered in the multi district

09:12:07 19 litigations in the United States?

09:12:08 20 A. No.

09:12:20 21 Q. I'm going to hand you

09:12:21 22 what's been marked as Exhibit 13,037

09:12:26 23 and ask you whether you will agree to

09:12:28 24 be bound by that protective order, sir.

09:12:31 25 MR. GRANT: Objection to

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09:12:32 1 CONFIDENTIAL - OLIVER GALEA - VOLUME II  
2 that as completely inappropriate.

09:12:34 3 You've pulled this stunt  
09:12:35 4 twice. Can we at least just do the  
09:12:38 5 short version of it?

09:12:50 6 MR. DELL: Just so the  
09:12:51 7 record is clear, I am going to say this  
09:12:52 8 once at the beginning.

09:12:53 9 We are going to keep track  
09:12:54 10 of improper objections, such as the one  
09:12:56 11 that has just been made, when someone  
09:12:58 12 is supposed to be limited to objection  
09:12:59 13 to form.

09:13:00 14 We are not -- we are not  
09:13:02 15 going to charge that against our time.  
09:13:05 16 We are also going to argue when we make  
09:13:08 17 our motion to preclude in the District  
09:13:11 18 Court in the United States that this  
09:13:12 19 kind of tactic, which has been tried in  
09:13:15 20 the prior depositions, is preventing us  
09:13:17 21 from being able to cross-examine this  
09:13:19 22 witness.

09:13:21 23 MR. GRANT: Michael, we're  
09:13:22 24 all aware that this is all a stunt to  
09:13:24 25 see if you can bait the witness to walk



1 CONFIDENTIAL - OLIVER GALEA - VOLUME II  
09:13:26 2 out, to do whatever else you can to be  
09:13:28 3 able to claim that you didn't have a  
09:13:30 4 fair chance to cross-examine, and I  
09:13:33 5 understand that that's part of your  
09:13:34 6 game, but it's offensive to the  
09:13:36 7 witness; it's offensive to the rest of  
09:13:39 8 us here to waste our time to ask him to  
09:13:41 9 be bound to a legal document when he  
09:13:43 10 hasn't had time to read it, when he  
09:13:45 11 hasn't had time to consult with  
09:13:45 12 counsel, when it is not a proper use  
09:13:47 13 under the Hague Convention, and it's  
09:13:48 14 just plain garbage.

09:13:51 15 If you really felt that this  
09:13:52 16 was that important, you knew when this  
09:13:53 17 deposition was. You could have sent  
09:13:54 18 this stuff a month ago to counsel for  
09:13:57 19 PricewaterhouseCoopers and said, Would  
09:13:59 20 you please agree to this because I want  
09:14:01 21 to do something with this.

09:14:03 22 And this pure garbage; it's  
09:14:04 23 pure wasting our time; and it's pure  
09:14:05 24 trying to bait the witness in order to  
09:14:08 25 try to get some kind of advantage for

1 CONFIDENTIAL - OLIVER GALEA - VOLUME II

09:14:09 2 your motion, which you have started to

09:14:10 3 at least hint at what that is.

09:14:12 4 MR. KIEVE: And I would just

09:14:13 5 respond that I concur with the spirit,

09:14:17 6 if not the language, of Class counsel's

09:14:19 7 statement.

09:14:21 8 I believe this is entirely

09:14:23 9 improper. And the record speaks for

09:14:28 10 itself.

09:14:29 11 Second of all, I take

09:14:30 12 exception to the notion that somehow

09:14:32 13 you are the timekeeper in this

09:14:34 14 proceeding.

09:14:34 15 We are all commissioners --

09:14:36 16 at least some of us are commissioners.

09:14:38 17 And I don't think you have a fiat over

09:14:40 18 how you proceed.

09:14:41 19 We've agreed that there is a

09:14:42 20 specific amount of time, and I suggest

09:14:43 21 you use it as you see fit, wisely.

09:14:48 22 MS. CANNON: Mr. Dell, I

09:14:53 23 think, as you know from the previous

09:14:56 24 depositions, we take the view that it

09:15:00 25 is not appropriate to ask any witness

1 CONFIDENTIAL - OLIVER GALEA - VOLUME II

09:15:03 2 under the Hague Convention to agree to  
09:15:08 3 be bound by an order entered in the  
09:15:11 4 U.S. proceedings.

09:15:12 5 The comments that we made in  
09:15:14 6 the past two depositions are the same  
09:15:17 7 comments we'd like to make now. Rather  
09:15:21 8 than repeat them, I will object to this  
09:15:24 9 and also instruct the witness not to  
09:15:26 10 answer the question.

09:15:28 11 MR. GRANT: I need to --

09:15:29 12 MR. DELL: Thank you.

09:15:30 13 MR. GRANT: I need to add  
09:15:31 14 one more thing, here.

09:15:31 15 Because you've already said  
09:15:33 16 that the reason you're doing this is to  
09:15:34 17 use this as an argument to the court to  
09:15:36 18 preclude this witness's testimony, I  
09:15:38 19 would like you to make a proffer on the  
09:15:41 20 record now what documents you would  
09:15:43 21 show this witness that you are now  
09:15:44 22 precluded by the protective order from  
09:15:46 23 showing him because he will not agree  
09:15:48 24 to it?

09:15:48 25 Because the way I read the

# **Exhibit 3**

**In The Matter Of:**

*In Re: PARMALAT SECURITIES LITIGATION,*

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ROBERTO MEGNA

*February 28, 2007*

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MEGNA, ROBERTO - Vol. I

1 CONFIDENTIAL - ROBERTO MEGNA - VOLUME I

16:08:11 2 Dr. Megna, have you been  
16:08:14 3 retained as a consultant or an expert  
16:08:17 4 witness by any party to the multi  
16:08:21 5 district litigations relating to  
16:08:22 6 Parmalat in the United States?

16:08:45 7 A. No.

16:08:46 8 Q. Is there anyone who you  
16:08:51 9 have done work for in connection with  
16:08:52 10 Parmalat other than the Parma public  
16:08:57 11 prosecutor?

16:09:00 12 A. No.

16:09:11 13 Q. Sir, have you seen the  
16:09:18 14 protective order governing the  
16:09:20 15 confidentiality of documents and  
16:09:22 16 information produced in the multi  
16:09:24 17 district litigations relating to  
16:09:26 18 Parmalat in the United States?

16:09:27 19 A. No.

16:09:48 20 Q. Dr. Megna, I'm going to  
16:10:53 21 hand you what was marked in a  
16:10:55 22 deposition yesterday as Deposition  
16:10:57 23 13,037 and ask you whether you've seen  
16:11:01 24 that before.

16:11:39 25 A. No, I can't remember.

1 CONFIDENTIAL - ROBERTO MEGNA - VOLUME I

16:11:42 2 Q. And, sir, you're  
16:11:43 3 represented by counsel here today?

16:11:51 4 A. Yes.

16:11:52 5 Q. Yes. And who is your  
16:11:53 6 counsel, sir?

16:11:54 7 A. Mr. Marco Golda Perini  
16:12:10 8 and -- sorry.

16:12:12 9 MS. CANNON: Lista.

16:12:13 10 A. Lista.

16:12:14 11 Q. Mr. Dell, would you be  
16:12:16 12 agree to be bound by the protective  
16:12:19 13 order which was marked as  
16:12:21 14 Exhibit 13,037?

16:12:22 15 MS. CANNON: Mr. Dell, out  
16:12:25 16 of courtesy to you, we proceeded with  
16:12:26 17 having this marked. The witness has  
16:12:27 18 said he's never seen it.

16:12:28 19 But as you know very well,  
16:12:31 20 Mr. Megna is not a party to this  
16:12:35 21 action. He is here because the Italian  
16:12:37 22 court has requested him as an Italian  
16:12:41 23 citizen to come and assist U.S. court  
16:12:44 24 in obtaining evidence for use at trial.

16:12:46 25 This stipulated protective

1 CONFIDENTIAL - ROBERTO MEGNA - VOLUME I

16:12:50

2 order is not a document to which

16:12:53

3 Mr. Megna will agree to become a party,

16:12:58

4 if that's your request.

16:13:01

5 MR. DELL: All right.

16:13:02

6 Actually, his testimony was he couldn't

16:13:04

7 remember whether he had seen it before.

16:13:05

8 But if you're directing him

16:13:07

9 not to answer, then you can give your

16:13:08

10 direction. I would like the witness,

16:13:09

11 though, to tell me whether he will

16:13:10

12 agree to be bound by this stipulated

16:13:12

13 protective order, which his counsel has

16:13:15

14 seen, certainly, and has had a chance

16:13:16

15 to review.

16:13:23

16 Q. Let me pose a question and

16:13:24

17 then your lawyer will have an

16:13:25

18 opportunity, if she wants, to give you

16:13:27

19 a direction or you can answer. Sir,

16:13:28

20 will you agreed to be bound by this

16:13:30

21 stipulated protective order?

16:13:32

22 MS. CANNON: I'm going to

16:13:33

23 object to the question on the grounds

16:13:36

24 that it is oppressive and an abuse of

16:13:40

25 the position you're in here today as a

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1 CONFIDENTIAL - ROBERTO MEGNA - VOLUME I  
2 guest of the Italian court.

16:13:43

3 It is not proper for

16:13:46

4 Mr. Megna to be asked to be bound to

16:13:48

5 any document relating to the

16:13:50

6 jurisdiction of the courts in the

16:13:51

7 United States.

16:13:53

8 If you insist on a direction

16:13:53

9 that he not respond to your question, I

16:13:55

10 will so direct.

16:13:57

11 But I want to make it

16:13:58

12 absolutely clear that we do so not in

16:13:59

13 any way being uncooperative with the

16:14:01

14 requests made by the Italian court for

16:14:04

15 Mr. Megna to come here today and give

16:14:07

16 his testimony but we do so because we

16:14:07

17 view this as an oppressive attempt to

16:14:10

18 enforce some form of jurisdiction in

16:14:12

19 the U.S. courts which does not exist on

16:14:14

20 Mr. Megna.

16:14:16

21 MR. DELL: I think the

16:14:17

22 question was very simple. In any

16:14:18

23 event, the record will speak for

16:14:20

24 itself.

16:14:21

25 MR. GRANT: I would like

16:14:23

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1 CONFIDENTIAL - ROBERTO MEGNA - VOLUME I  
16:14:23 2 that translated for the witness,  
16:14:25 3 please.

16:14:28 4 THE INTERPRETER: His  
16:14:29 5 question or everything?

16:14:30 6 MR. GRANT: No. What was  
16:14:31 7 said by the witness's counsel.

16:15:24 8 (Translation.)

16:16:08 9 MS. CANNON: Just before we  
16:16:09 10 leave this topic, I think you made a  
16:16:11 11 reference -- a slight reference to  
16:16:14 12 counsel had an opportunity to review  
16:16:15 13 this document.

16:16:17 14 Again, I am going to make it  
16:16:18 15 absolutely clear for the record that  
16:16:19 16 with respect to Mr. Megna's position  
16:16:20 17 today, Italian counsel has not seen  
16:16:24 18 this document. It's an English  
16:16:25 19 document in any event, not a  
16:16:27 20 translation. And his counsel has not  
16:16:30 21 had an opportunity to review it.

16:16:31 22 I'm only responding to the  
16:16:32 23 point you made on the record to seem to  
16:16:34 24 indicate that there had been some  
16:16:35 25 review of the document. That has not

1 CONFIDENTIAL - ROBERTO MEGNA - VOLUME I

16:16:37 2 occurred.

16:16:37 3 It does not change the  
16:16:39 4 answer that we've given with respect to  
16:16:41 5 Mr. Megna's undertaking not to answer  
16:16:45 6 the question.

16:16:45 7 MR. DELL: Ms. Cannon, first  
16:16:47 8 of all, I think it would be better not  
16:16:48 9 to have these lengthy colloquies.

16:16:49 10 And, secondly, as you know,  
16:16:50 11 I handed you a copy of that document  
16:16:52 12 yesterday when I had another copy  
16:16:55 13 marked.

16:16:57 14 MS. CANNON: Mr. Dell, as I  
16:16:58 15 answered yesterday -- and we shouldn't  
16:16:59 16 be talking about yesterday's testimony,  
16:17:01 17 but for this purpose, since you invite  
16:17:02 18 me to, I will.

16:17:03 19 Yesterday, you handed me an  
16:17:05 20 English copy of that document. I did  
16:17:07 21 not study it, but in any event, did not  
16:17:10 22 hand Italian counsel an Italian version  
16:17:12 23 of that document.

16:17:14 24 MR. DELL: Can we proceed  
16:17:14 25 now with questioning? Thank you, sir.

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# **Exhibit 4**

**In The Matter Of:**

*In re PARMALAT SECURITIES LITIGATION*

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FRANCO LAGRO  
*February 27, 2007*

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LAGRO, FRANCO - Vol. 2

1 CONFIDENTIAL - FRANCO LAGRO - VOLUME II

15:08:09 2 MR. DeVOOGHT: I have  
15:08:18 3 nothing further, Dr. Lagro. Thank you  
15:08:19 4 for your time.

15:08:21 5 THE DEPONENT: Thank you.

15:08:21 6 EXAMINATION BY MR. DELL:

15:08:24 7 Q. Good afternoon, Mr. Lagro.  
15:08:36 8 My name is Michael Dell. I represent  
15:08:40 9 Deloitte Touche Tohmatsu.

15:08:46 10 A. Good afternoon.

15:08:46 11 Q. Sir, have you been retained  
15:08:48 12 as a consultant or testifying witness  
15:08:53 13 by Dr. Bondi in any of the U.S.  
15:08:55 14 litigations?

15:09:11 15 A. No.

15:09:12 16 Q. Sir, have you ever seen the  
15:09:14 17 stipulated protective order in the  
15:09:16 18 multi-district litigations in the  
15:09:18 19 United States?

15:09:18 20 A. Well, actually, I don't know  
15:09:48 21 what document you're talking about. I  
15:09:52 22 don't think so. I've never heard of  
15:09:53 23 it, so I presume that I have never seen  
15:09:57 24 it.

15:09:59 25 Q. Okay. Well, I'm going to

1 CONFIDENTIAL - FRANCO LAGRO - VOLUME II  
15:10:01 2 mark as the next exhibit, which is  
15:10:03 3 13,037, the stipulated protective order  
15:10:09 4 and hand it to the witness.

15:10:11 5 (Deposition Exhibit  
15:10:18 6 13,037 for identification.)

15:10:18 7 Q. Could you tell us whether  
15:10:18 8 you have ever seen this document  
15:10:20 9 before.

15:10:45 10 A. Not to my recollection.

15:10:50 11 Q. Sir, do you agree to be  
15:10:51 12 bound by this stipulated protective  
15:10:54 13 order with respect to confidential  
15:10:57 14 information that's been produced in the  
15:11:00 15 multi-district litigations in the  
15:11:02 16 United States?

15:11:03 17 MR. GRANT: Objection.

15:11:07 18 MS. CANNON: Excuse me. I  
15:11:08 19 think we need to be clear what the  
15:11:09 20 jurisdictional basis there would be for  
15:11:11 21 any question of that nature.

15:11:12 22 Dr. Bondi's [sic] here, as  
15:11:13 23 you know, pursuant to an order of the  
15:11:16 24 Italian court at the specific request  
15:11:18 25 of the court in the United States.

1 CONFIDENTIAL - FRANCO LAGRO - VOLUME II

15:11:20 2 MR. DELL: I think you said

15:11:22 3 Dr. Bondi. I think you meant

15:11:22 4 Dr. Lagro.

15:11:22 5 MS. CANNON: Excuse me,

15:11:24 6 Dr. Lagro. I beg your pardon.

15:11:25 7 He has just testified that

15:11:27 8 he does not recall ever having seen

15:11:28 9 this document. Accordingly, he would

15:11:30 10 therefore not be aware of its contents.

15:11:32 11 I think if you're going to

15:11:33 12 ask that question, first, he would have

15:11:35 13 to read it very carefully. Second, I

15:11:38 14 think he would have to have legal

15:11:39 15 advice as to whether or not he

15:11:40 16 understood it, whether there was a

15:11:41 17 proper basis for him to submit to the

15:11:44 18 jurisdiction of the courts with respect

15:11:46 19 to confirming the question which you

15:11:49 20 asked.

15:11:50 21 So unless there's something

15:11:53 22 specific about understanding the

15:11:54 23 confidentiality of these proceedings

15:11:56 24 that you want to talk to him about, to

15:11:59 25 ask him to subscribe in any way to an

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1 CONFIDENTIAL - FRANCO LAGRO - VOLUME II  
2 undertaking which is binding the  
3 parties to the litigation in the United  
4 States is going to be a difficult  
5 process and certainly not a process  
6 which I think we will be able to  
7 resolve today.

8 MR. DELL: Well, look.  
9 Thank you very much. I'm going to ask,  
10 though, that any objections be  
11 restricted to objection to form.

12 I simply want to ask this  
13 witness whether he will be bound by the  
14 stipulated protective order. If he  
15 chooses to say no, he can say no. And  
16 I think it's a perfectly fair question.  
17 And I'd like to proceed and have my  
18 questions answered without lengthy  
19 objections.

20 So he is someone who's been  
21 hired by Dr. Bondi who is a party to  
22 the litigations. He's done work for  
23 him. He's consulted with the lawyers.  
24 He's already testified in connection  
25 with their work on the Complaint. And

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1 CONFIDENTIAL - FRANCO LAGRO - VOLUME II

15:12:47 2 I think it's a very simple question.

15:12:49 3 Q. So I put it to you, sir,

15:12:50 4 will you agree to be bound by the

15:12:51 5 stipulated protective order?

15:12:54 6 MR. KIEVE: I am limited to

15:12:54 7 an objection to form. I object to

15:12:56 8 form.

15:12:58 9 MR. GRANT: I object to the

15:13:00 10 whole thing. And you are not asking a

15:13:02 11 question of a percipient witness here;

15:13:04 12 you're asking him to be bound to a

15:13:06 13 legal document which he has every right

15:13:08 14 to consult with counsel and review

15:13:09 15 before they take a position on whether

15:13:10 16 they're going to do it or not. That's

15:13:12 17 outrageous.

15:13:13 18 MS. CANNON: Can I also just

15:13:15 19 say that the agreements amongst counsel

15:13:18 20 with respect to objections as to form

15:13:20 21 and whatever directions the court in

15:13:22 22 the United States has given do not

15:13:24 23 affect Dr. Lagro's rights under Italian

15:13:27 24 law.

15:13:28 25 He is not party to any

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1 CONFIDENTIAL - FRANCO LAGRO - VOLUME II  
15:13:30 2 agreements with respect to the U.S.  
15:13:32 3 litigation.

15:13:33 4 Now, if there are issues  
15:13:34 5 about Dr. Lagro, for example,  
15:13:37 6 understands that he's not to take any  
15:13:43 7 documents from this deposition and  
15:13:46 8 refer to them or use them in any other  
15:13:48 9 context, I mean, those are different  
15:13:51 10 questions which go to his understanding  
15:13:52 11 of the nature of this proceeding.

15:13:54 12 But I don't think that he is  
15:13:55 13 limited in his ability through his  
15:13:58 14 counsel to object only as to form.

15:14:00 15 And I certainly think that  
15:14:01 16 his agreement -- he would be advised by  
15:14:04 17 counsel, certainly United States  
15:14:07 18 counsel, and I'm assuming Italian  
15:14:09 19 counsel, not to consent to agreeing to  
15:14:12 20 be bound by an order entered by the  
15:14:14 21 court in the United States without  
15:14:16 22 having taken full legal advice.

15:14:17 23 And that advice will not be  
15:14:19 24 taken in the course of the time left  
15:14:21 25 today for this deposition.

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15:14:25 2 MR. DELL: All right. Are  
15:14:25 3 you instructing him not to answer? If  
15:14:27 4 not, I'd like an answer to my question.

15:14:32 5 MS. CANNON: I am going to  
15:14:33 6 consult with Italian counsel.

15:14:36 7 MR. KIEVE: I would also  
15:14:37 8 direct counsel's attention to paragraph  
15:14:39 9 11(D) of the protective order,  
15:14:43 10 Exhibit 13,037.

15:15:21 11 (A discussion was had off  
15:15:23 12 the record.)

15:15:23 13 MS. CANNON: I think in  
15:15:32 14 response to your question, Italian  
15:15:34 15 counsel does not feel able to advise  
15:15:38 16 his client as to his rights with  
15:15:41 17 respect to the question you've asked,  
15:15:43 18 whether he should or should not agree  
15:15:45 19 to be bound by a stipulation in the  
15:15:49 20 U.S. proceedings.

15:15:50 21 And, therefore, he will not  
15:15:52 22 be able to receive substantive advice  
15:15:55 23 under Italian law that he is entitled  
15:15:57 24 to under the Hague Convention order  
15:16:00 25 which was issued by the court in Milan.

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15:16:02 2 So the question is whether  
15:16:04 3 or not I would instruct him not to  
15:16:05 4 answer.

15:16:07 5 I think what we would prefer  
15:16:08 6 is for you to withdraw the request that  
15:16:12 7 he agree to be bound by a document in  
15:16:14 8 the proceeding to which he is not a  
15:16:15 9 party, in a jurisdiction which he is  
15:16:18 10 not amenable.

15:16:19 11 It would be better, in our  
15:16:21 12 respectful view, for you to withdraw  
15:16:23 13 that question because it is not  
15:16:24 14 susceptible of a proper answer,  
15:16:27 15 certainly in the course of today.

15:16:29 16 MR. DELL: All right. I  
15:16:32 17 would appreciate an answer. So if you  
15:16:34 18 want to give a direction, that's your  
15:16:36 19 prerogative to do that. And,  
15:16:38 20 obviously, we retain our rights, and I  
15:16:40 21 can move on to another area.

15:16:41 22 If you're not going to give  
15:16:42 23 a direction, then I would like to have  
15:16:43 24 the witness's answer.

15:16:45 25 MS. CANNON: Well, if

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15:16:46 2 pressed, we will give a direction that  
15:16:48 3 he not answer your question. But the  
15:16:50 4 basis of that direction is founded in  
15:16:53 5 his rights under Italian law and his  
15:16:57 6 -- in particular, his right to counsel  
15:16:59 7 with respect to submitting to the  
15:17:00 8 jurisdiction of the courts in the  
15:17:02 9 United States with respect to a  
15:17:04 10 stipulation in those proceedings.

15:17:06 11 We want to be very, very  
15:17:08 12 clear that we are not trying to  
15:17:12 13 intervene in the proper collection of  
15:17:14 14 testimony by any of the parties to this  
15:17:16 15 action.

15:17:17 16 And Dr. Lagro has come here  
15:17:19 17 as ordered by the court in Milan to  
15:17:21 18 cooperate and provide every assistance.  
15:17:23 19 So we don't want this issue to be seen  
15:17:25 20 as, in any way, obstructing or  
15:17:28 21 challenging the obligations which  
15:17:32 22 Dr. Lagro recognized that he has to the  
15:17:34 23 Italian courts to be fully cooperative.

15:17:39 24 Q. Sir, in light of that  
15:17:40 25 direction, I'm going to move on to a

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15:17:41 2 different topic.

15:17:42 3 You were never asked to  
15:17:46 4 assess the work done by Deloitte &  
15:17:49 5 Touche S.p.A. in connection with any  
15:17:52 6 audits of financial statements of  
15:17:54 7 Parmalat Finanziaria; is that correct?

15:17:55 8 A. Correct.

15:18:14 9 Q. And the reports that you've  
15:18:16 10 prepared do not do so; is that correct,  
15:18:18 11 sir?

15:18:19 12 A. Correct.

15:18:24 13 Q. And you do not do so in any  
15:18:28 14 of your testimony; is that correct,  
15:18:30 15 sir?

15:18:30 16 A. No. That means it's  
15:18:40 17 correct.

15:18:40 18 Q. Thank you, sir.

15:18:41 19 And, sir, you were never  
15:18:43 20 asked to assess the work done by any  
15:18:46 21 other member firm of Deloitte Touche  
15:18:51 22 Tohmatsu in ordering or providing other  
15:18:53 23 services to subsidiaries of Parmalat  
15:18:57 24 Finanziaria, were you?

15:18:57 25 A. Not on the whole. If I

# **Exhibit 5**





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May 24, 2007

By E-Mail

Michael J. Dell, Esq.  
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1177 Avenue of the Americas  
New York, NY 10036

Re: *In re Parmalat Sec. Litig.*, No. 04 Civ. 0030 (LAK)

Dear Michael:

This is in response to your letter of May 22.

We reject your assertion that our amended Rule 26(a)(2) disclosures leave you "in the dark" as to what experts we intend to use. After you previously had complained that we did not identify from which experts retained by other parties we expected to offer testimony, we amended our disclosures to list by name each such expert from whom we intend to offer testimony. We will not withdraw our designations.

The answer to all four of the questions you pose in the bullet points on page two of your letter is no.

With respect to Chiaruttini, Lagro, Galea and Megna, Lead Plaintiffs do not agree to limit their testimony to the scope of the reports or excerpts thereof identified by Dr. Bondi in his supplemental expert witness designations. We would intend to elicit testimony, either at deposition or at trial, with respect to matters covered in the reports or excerpts thereof listed by Dr. Bondi and in the following reports by these persons:

Chiaruttini

June 7, 2004 (Exh. 2398-I)  
June 22, 2004 (Exh. 2397-I)  
Oct. 21, 2004 (Exh. 2399-I)

Michael J. Dell, Esq.  
May 24, 2007  
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Galea/Megna

Dec. 3, 2004, including Vol. I (Exh. 13,046-I); Vol. II Parts I and II (Exh. 13,045-I)

Lagro/PwC

Parmalat Project- Phase 1, Feb. 6, 2004 (LP0000038233-373 and BOFA1797593-765)

Parmalat Project- Phase 2, Mar. 31, 2004 (LP0000014503-635 and P02652503-635)

Parmalat project- reconstruction of in-out flows of 2003 (P03780809-834)

Information about the Ratified Assets, July 20, 2004 (P02653033-60)

Report on the results of the arranged procedures in reference to the indebtedness, June 11, 2004 (P02649904-24)

Report on the payment of commissions to banks, Mar. 29, 2005 (LP0000266499-514)

Parmalat group: documents originating in the Antilles, Jan. 14, 2004 (P03617698-731)

Selected road shows and meeting with investors, Mar. 18, 2005 (P02652769-793)

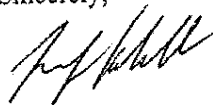
Parmalat Brazil 1999-2001 selected number of acquisitions, Aug. 12, 2005 (P03621428-538)

Parmalat Brazil financial statements, August 30, 2005 (P03622319-355)

Transactions with Citibank, May 3, 2005 (P02650664-1131)

Analysis of the settlements of receivables accepted by Archimede Securitisation Srl as of March 30, 2005, June 1, 2005 (LP0000246623-716)

Sincerely,



James J. Sabella

cc: Lisa M. Mezzetti, Esq.  
Robert M. Roseman, Esq.  
All other Plaintiffs' and Defendants' Counsel

# Exhibit 6

**BEUS GILBERT**  
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8 June 2007

**VIA EMAIL & U. S. MAIL**

Michael Dell, Esq.  
Kramer, Levin, Naftalis & Frankel, LLP  
1177 Avenue of the Americas  
New York, NY 10036

Re: *In re Parmalat Securities Litigation*, Master Docket 04 MD 1653 (LAK)

Dear Michael:

This letter is a follow-up to my letter of May 24, 2007 to you, in which I indicated we would send a list of specific reports we reserve the right to use in our case against Deloitte.

We reserve any right we have to use portions of the Chiaruttini and PwC reports as well as the testimony of Chiaruttini, Galea, Megna, and Lagro, including any right we may have to use their testimony as fact witnesses (including lay opinion testimony) as expert witnesses, as unretained experts, or as experts upon whom our own experts may rely. We designate those portions of the reports listed by Jim Sabella in his letter of May 24, 2007, in addition to the following:

**Lagro/PwC:**

Parmalat Group: Forensic Procedures – Plan and Estimates, 27 Apr 2004 (PwC LLP 000001-107)

Transactions with Bank of America, 5 May 2004 (PwC LLP 001556-660).

Wishaw Trading SA, 18 Mar 2004 (PwC LLP 000147-217).

**Chiaruttini:**

Expert Witness Report “Parmalat Group;” Auditing Work Performed by Deloitte & Touche, 3 Feb 2004 (not Bates labeled).

Chiaruttini 3<sup>rd</sup>, On the Auditing Activities Performed by Deloitte & Touche, 3 Feb 2004 (LP0000003769-3912).

Michael Dell, Esq.  
8 June 2007  
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First Memorandum on the Auditing Activities Carried Out by Deloitte & Touche SPA, 18 Feb 2004 (LP0000066826-866).

Parmalat: Slides for Proceedings held March 7 - 14, 2006 (not Bates labeled).

Chiaruttini Report, 2<sup>nd</sup>, 18 Mar 2004 (LP0000066867-912).

Misc.:

Report on the causes of insolvency of Parmalat Finanziaria S.p.A. and its subsidiaries dated 19 Jun 2004 signed by the Extraordinary Commissioner Dr. Enrico Bondi (not Bates labeled).

Verbale Di Ispezione ("Inspection Report"), 18 Mar 2004 (P03704220-4319)

I hope this is of assistance to you.

Best regards,

BEUS GILBERT PLLC

  
Stephen M. Craig

SMC/paw

cc: All counsel of record (via email)